

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jacquelyn N’Jai	:	
	:	
v.	:	C-2020-3016134
	:	
Peoples Natural Gas Company LLC	:	

INITIAL DECISION

Before
Mark A. Hoyer
Deputy Chief Administrative Law Judge

INTRODUCTION

This decision dismisses the Complaint filed in this matter due to Complainant’s failure to prove that her gas meter was inaccurately read by Peoples Natural Gas Company LLC.

HISTORY OF THE PROCEEDING

On January 11, 2020, Jacquelyn N’Jai (Complainant) filed a Formal Complaint against Peoples Natural Gas Company LLC (Peoples, the Company or Respondent) with the Pennsylvania Public Utility Commission (Commission), alleging that there were incorrect charges on her bill and that she was having a reliability, safety or quality problem with her utility service. Complainant alleges she discovered that her meter reading on her gas bill was inaccurate when she reviewed the Company’s reading obtained on December 4, 2019. As relief, Complainant requests that the Commission determine that her gas meter was read inaccurately, correct the problem, assist her in finding another gas company and impose a civil penalty on Peoples.

Respondent filed an Answer on February 6, 2020. Respondent averred, among other things, that Complainant's gas meter was correctly read. Respondent requests that Complainant be directed to pay her outstanding balance and that the Complaint be dismissed.

By hearing notice dated March 3, 2020, the Complaint was assigned to Administrative Law Judge Emily DeVoe and scheduled for an initial telephonic hearing on April 23, 2020. ALJ DeVoe issued a Prehearing Order on March 6, 2020, which provided the date and time of the hearing as well as other procedural requirements related to hearings.

On April 22, 2020, a Telephonic Hearing Cancellation/Reschedule Notice was issued rescheduling the initial telephonic hearing for June 10, 2020. A Prehearing Order for Telephonic Hearing was issued on April 29, 2020. The initial telephonic hearing convened on June 10, 2020; however, the hearing was continued because of issues with viewing Complainant's proposed hearing exhibits. Complainant appeared *pro se*. Jennifer Petrisek, Esquire, appeared and represented Peoples.

A Further Telephonic Hearing Notice was issued on September 9, 2020, scheduling a further hearing for October 5, 2020. The further hearing was held as scheduled. Complainant represented herself at the further hearing. Complainant testified on her own behalf and offered eleven exhibits that were marked Complainant's Exhibit 1- 11 and admitted into evidence. Jennifer Petrisek, Esquire, appeared and represented Peoples. Peoples presented the testimony of one witness, Denice Claudon, and offered Exhibits A, B, C, D, E, G, H and I, that were admitted into evidence.

An Interim Order Establishing Briefing Schedule was issued on October 27, 2020. On November 16, 2020, Complainant filed her main brief. On November 30, 2020, Peoples filed its main brief. On December 7, 2020, Complainant filed a reply brief. Peoples did not file a reply brief.

On June 15, 2021, an Interim Order Attaching Exhibits to Record and Closing Record was issued. On September 10, 2021, this matter was reassigned to the undersigned. A Judge Change Notice was issued on September 13, 2021, confirming the reassignment.

The record consists of the transcripts of the initial telephonic hearing held on June 10, 2020, and the further telephonic hearing held on October 5, 2020, as well as the aforementioned admitted exhibits, main briefs and reply brief.

FINDINGS OF FACT

1. Complainant, Jacquelyn N’Jai, resides at 7801 Lloyd Avenue, Apartment 116, Pittsburgh, Pennsylvania (service address) (Tr. 44).
2. Respondent in this case is Peoples Natural Gas Company LLC, a jurisdictional public utility.
3. Complainant has been a customer of Peoples at the service address since July 2012 (Tr. 86; Exhibit A).
4. Complainant’s gas meter is located outside of her apartment building, beneath her window (Tr. 79).
5. Complainant’s gas meter has an encoder receiver transmitter (ERT) device attached to it and the meter is read by a passing vehicle each month (Tr. 90-92; Exhibit B).
6. On December 4, 2019, Peoples obtained a reading of 708.4 from Complainant’s gas meter ERT (Tr. 105).
7. Complainant disagreed with the reading obtained on December 4, 2019, and provided a customer reading of 610.7 to Peoples (Tr. 106).

8. In response to Complainant's claim that her meter was read inaccurately on December 4, 2019, Peoples dispatched a service technician to the service address on December 13, 2019, to view the meter and obtain a verification read. The service technician obtained an actual visual meter reading of 711.5 (Tr. 101, 107-108; Exhibit G).

9. On January 3, 2020, Peoples obtained an ERT reading from Complainant's meter of 717.9 (Tr. 109).

10. On January 22, 2020, a Peoples' service technician visited the service address to view the meter and obtain a verification read. The service technician obtained an actual visual meter reading of 724.2 (Tr. 108; Exhibit H).

11. Peoples' witness, Denice Claudon, explained that gas meters must be read from right to left when obtaining a visual reading (Tr. 100-103).

12. Peoples witness, Denice Claudon, asked Complainant if she would like her gas meter changed out for a meter test in July 2020 and Complainant declined the offer (Tr. 110).

DISCUSSION

Section 332(a) of the Public Utility Code¹ places the burden of proof upon the proponent of a rule or order. As the proponent of a rule or order, Complainant has the burden of demonstrating that the facts alleged in her Complaint are true and that she is entitled to the relief that she requested.

Complainant raised two issues in her Complaint. First, Complainant claims that there are incorrect charges on her gas utility bill because Peoples is not reading her gas meter accurately. This claim was based upon the ERT meter reading by Peoples on December 4, 2019.

¹ 66 Pa.C.S. § 332(a).

The second claim raised in the Complaint is that Complainant is having a reliability, safety or quality problem with her utility service. Complainant did not provide any evidence with respect to this second claim, and it is therefore dismissed. Complainant's claim that her gas meter has been inaccurately read by Peoples will now be addressed.

Complainant disagreed with Peoples' ERT meter reading on December 4, 2019, of 708.4. She viewed her meter and provided Peoples with a reading of 610.7. In response to Complainant's claim that her meter was inaccurately read, a Peoples' service technician visited the service address on December 13, 2019, for a verification read and obtained an actual visual reading of 711.5.

On January 3, 2020, Peoples obtained a reading of 717.9 from the ERT on Complainant's gas meter. On January 22, 2020, a Peoples' service technician visited the service address for a verification read and obtained an actual visual reading of 724.2.

The undersigned concludes that Complainant has failed to prove that Peoples inaccurately read her gas meter. The ERT reading obtained by Peoples on December 4, 2019, was verified by a visual read on December 13, 2019. The ERT reading obtained on January 3, 2020, was verified by a visual read on January 22, 2020.

Peoples' witness, Denice Claudon, explained that gas meters must be read from right to left to obtain an accurate reading. Peoples' service technicians are trained to read meters and obtained actual visual readings of the meter on December 13, 2019, and January 22, 2020, that prove Complainant's customer reading of 610.7 was inaccurate. Complainant failed to meet her burden of proof and her Complaint will be dismissed.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of this proceeding. 66 Pa.C.S. § 701.

2. Complainant has failed to meet her burden of proving she is entitled to the relief she seeks from the Commission. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint of Jacqueline N’Jai against Peoples Natural Gas Company LLC at Docket No. C-2020-3016134, is dismissed.
2. That the Secretary’s Bureau shall mark Docket No. C-2020-3016134 as closed.

Date: September 13, 2021

/s/
Mark A. Hoyer
Deputy Chief Administrative Law Judge